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| APPLICATION NO. | FILING DATE | FIRST NAMED INVENTOR | ATTORNEY DOCKET NO. | CONFIRMATION NO. |
| 09/889,659 | 07/18/2001 | Marc Enrico | GEM625 | 7380 |
| 7590 | 01/30/2004 | | EXAMINER | |
| Roland Plottel Rockefeller Center Sm PO Box 293 New York, NY 10185-0293 | | | HAMILTON, KIMBERLY Y | |
| | | | ART UNIT | PAPER NUMBER |
| | | | 2635 | 5 |
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Please find below and/or attached an Office communication concerning this application or proceeding.

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|------------------------------|-------------------------------|------------------|--|
| Office Action Summary | Application No. | Applicant(s) | |
| | 09/889,659 | ENRICO, MARC | |
| | Examiner Kimberly Hamilton | Art Unit 2635 | |

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1) Responsive to communication(s) filed on 18 July 2001.

2a) This action is FINAL. 2b) This action is non-final.

3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4) Claim(s) 1-10 is/are pending in the application.

4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5) Claim(s) _____ is/are allowed.

6) Claim(s) 1-10 is/are rejected.

7) Claim(s) _____ is/are objected to.

8) Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9) The specification is objected to by the Examiner.

10) The drawing(s) filed on 18 July 2001 is/are: a) accepted or b) objected to by the Examiner.

 Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

 Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11) The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. §§ 119 and 120

12) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

a) All b) Some * c) None of:

 1. Certified copies of the priority documents have been received.

 2. Certified copies of the priority documents have been received in Application No. _____.

 3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

13) Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application) since a specific reference was included in the first sentence of the specification or in an Application Data Sheet. 37 CFR 1.78.

 a) The translation of the foreign language provisional application has been received.

14) Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121 since a specific reference was included in the first sentence of the specification or in an Application Data Sheet. 37 CFR 1.78.

Attachment(s)

1) Notice of References Cited (PTO-892)

2) Notice of Draftsperson's Patent Drawing Review (PTO-948)

3) Information Disclosure Statement(s) (PTO-1449) Paper No(s) 3.

4) Interview Summary (PTO-413) Paper No(s). _____.

5) Notice of Informal Patent Application (PTO-152)

6) Other: _____.

DETAILED ACTION

Specification

1. This application does not contain an abstract of the disclosure as required by 37 CFR 1.72(b). An abstract on a separate sheet is required.
2. The following guidelines illustrate the preferred layout for the specification of a utility application. These guidelines are suggested for the applicant's use:

Arrangement of the Specification

As provided in 37 CFR 1.77(b), the specification of a utility application should include the following sections in order. Each of the lettered items should appear in upper case, without underlining or bold type, as a section heading. If no text follows the section heading, the phrase "Not Applicable" should follow the section heading:

- (a) TITLE OF THE INVENTION.
- (b) CROSS-REFERENCE TO RELATED APPLICATIONS.
- (c) STATEMENT REGARDING FEDERALLY SPONSORED RESEARCH OR DEVELOPMENT.
- (d) INCORPORATION-BY-REFERENCE OF MATERIAL SUBMITTED ON A COMPACT DISC (See 37 CFR 1.52(e)(5) and MPEP 608.05. Computer program listings (37 CFR 1.96(c)), "Sequence Listings" (37 CFR 1.821(c)), and tables having more than 50 pages of text are permitted to be submitted on compact discs.) or REFERENCE TO A "MICROFICHE APPENDIX" (See MPEP § 608.05(a). "Microfiche Appendices" were accepted by the Office until March 1, 2001.)
- (e) BACKGROUND OF THE INVENTION.
 - (1) Field of the Invention.
 - (2) Description of Related Art including information disclosed under 37 CFR 1.97 and 1.98.
- (f) BRIEF SUMMARY OF THE INVENTION.
- (g) BRIEF DESCRIPTION OF THE SEVERAL VIEWS OF THE DRAWING(S).
- (h) DETAILED DESCRIPTION OF THE INVENTION.
- (i) CLAIM OR CLAIMS (commencing on a separate sheet).
- (j) ABSTRACT OF THE DISCLOSURE (commencing on a separate sheet).

(k) SEQUENCE LISTING (See MPEP § 2424 and 37 CFR 1.821-1.825. A "Sequence Listing" is required on paper if the application discloses a nucleotide or amino acid sequence as defined in 37 CFR 1.821(a) and if the required "Sequence Listing" is not submitted as an electronic document on compact disc).

3. The disclosure is objected to because of the following informalities:

- Pg. 13 has a duplicate copy within the specification.
- On pg. 14, the applicant describes Fig. 5, but then jumps to Fig. 6. On pg. 15, the applicant then reverts back to describing Fig. 5. It can be confusing to one who is not of ordinary skill in the art. Henceforth, appropriate correction is required.

Drawings

4. Figures 1 and 2 should be designated by a legend such as --Prior Art-- because only that which is old is illustrated. See MPEP § 608.02(g). A proposed drawing correction or corrected drawings are required in reply to the Office action to avoid abandonment of the application. The objection to the drawings will not be held in abeyance.

5. The drawings of Figs. 3 and 5 are objected to as failing to comply with 37 CFR 1.84(p)(5) because they do not include the following reference sign(s) mentioned in the description:

- Pause time **P** is disclosed on pg. 11 line 12 and pg. 12 line 19 for Fig. 3.
- Pg. 16 line 4 discloses **5.5** but is not shown in Fig. 5

A proposed drawing correction or corrected drawings are required in reply to the Office action to avoid abandonment of the application. The objection to the drawings will not be held in abeyance.

6. The drawings of Figs. 5-6 are objected to as failing to comply with 37 CFR 1.84(p)(5) because they include the following reference sign(s) not mentioned in the description:

- Fig.5 shows step 5.3, but fails to disclose the description within the specifications.
- Fig. 6 shows 3TO, but fails to disclose the description within the specification.

A proposed drawing correction, corrected drawings, or amendment to the specification to add the reference sign(s) in the description, are required in reply to the Office action to avoid abandonment of the application. The objection to the drawings will not be held in abeyance.

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

7. Claims 1-10 are rejected under 35 U.S.C. 103(a) as being unpatentable over Marsh et al. (EP 0585132) in view of Atkins et al. (WO 9852142).

Regarding claims 1-4 and 8, Marsh, who teaches synchronized electronic identification system to collision prevention, discloses and identification system that

comprises an interrogator that has a means to transmit an interrogational signal to the plurality of transponders, which have a receiver to receive the interrogations signal and transmits a response that includes data that identifies that said transponder (pg.2, lines 17-23). Furthermore, Marsh discloses the transmission of a respective modified signal to the each transponder once the said interrogation unit receives the response signal from the identified transponder; thus, resulting in the cessation of response signal transmission (pg. 2, lines 25-27). Moreover, Marsh teaches that each transponder has its own time means, or clock generator (pg. 2, line 22). Over a period of time, the modified interrogation signal corresponds with the clock period of the identified transponder (pg. 3, lines 18-19). The transponders may comprise logic circuitry that enables them to watch or listen (read as monitor) for the modification signal, which has a time period that is related to the predetermined number of clock period (pg. 3, lines 15-19). Thus, the silent transponder will have a waiting period where a new signal must be transmitted in order for one of them to respond to the new modified interrogation signal. However, Marsh fails to teach a single modification signal to “silence” the remaining unidentified transponders.

Atkins, who also teaches an identification system, discloses an anti-collision method for the interrogation unit to receive the response signals from a plurality of transponders (Abs., line 1). Atkins elaborates on the method and explains that once the interrogation unit receives a response signal from the identified transponder, the interrogation unit immediately transmits a “mute” signal to the remaining transponders, which in turn is a modified signal (pg. 5, lines 4-10). Additionally, Atkins teaches that

the "mute" command merely causes the other transponders to not only transmit their response signal, but are also in a "waiting" mode for a predetermined period of time (pg. 5, lines 21-23). Thus, it would have been obvious to one of ordinary skill in the art to have a single "mute" instruction of Atkins into the interrogation unit of Marsh, for Marsh discloses an identification system for a plurality of transponders that receive an their respective modified signal, and Atkins teaches an interrogational unit that transmits a modified signal that is a "mute" command to silence the unidentified transponders to enable the identified transponder to communicating to the interrogation; hence, the method will prohibit any collision of response signals for the remaining transponders.

Regarding claim 5, Marsh teaches that the transponder will continuously transmit identification code to the interrogation unit if the said unit does not transmit its modified signal to "turn off", or rather to cease sending out the identification signal. Henceforth, the transponder "listens", or rather monitors for the proper signal over a period of time, before the said transponder replies (pg. 5, lines 1-5).

Regarding claims 6-7, Marsh discloses the identifications system to comprise an interrogation unit that transmits a signal to the transponders, which read/write and execute the command from the said interrogational unit (pg, lines 17-12). Additionally, only one transponder is able to respond one at a time, for the interrogation unit sends out a "mute" signal to cease any identification codes from being transmitted from the other remaining transponders (pg., lines 23-27).

Regarding claims 9-10, Marsh teaches that the identified transponder will return back to its original mode in order for the next transponder to be identified by the

interrogator. This process happens over a duration period after the operation of the first identified transponder (pg.4, lines 7-17).

Conclusion

8. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure:

- Bradin (US 6566997) teaches an interference control method for radio frequency identification systems.
- Heng (US 6538563) teaches an RF transponder identification system with an interrogational unit that transmits to a plurality of transponders.
- Black et al. (US 5986570) teaches a method for resolving collision from a plurality of transponders.
- Geiszler et al. (US 6411199) teaches a radio frequency identification system.
- MacLellan et al. (US 5940006) teaches a communication system comprising an interrogation unit that communicates with the transponders (tags), which receives modulated signals.

9. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Kimberly Hamilton whose telephone number is 703.305.8975. The examiner can normally be reached from Monday – Friday between the hours of 7am - 3:30pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Michael Horabik can be reached on 703.305.4704. The fax phone number for the organization where this application or proceeding is assigned is (703) 872-9306.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is 703.305.3900.

Kimberly Hamilton
Examiner
Art Unit 2635
16 January 2004

KYH

MICHAEL HORABIK
SUPERVISORY PATENT EXAMINER
TECHNOLOGY CENTER 2600

